

MINUTES OF BENTON COUNTY QUORUM COURT

May 25, 2006

A regular meeting of the Benton County Quorum Court was held on Thursday, May 25, 2006 at 5:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Gary Black called the meeting to order.

Deputy Clerk Betsy Deaton called roll as follows:

12 JP's Present:	Adams, Allen, Harrison, Hill, Moore, Schindler, Sheridan, Stephenson, Summers, Tharp, Wolf, Wozniak
1 Absent:	Sampier

The presiding officer led the pledge of allegiance to the flag, and Bill Rogers of Word of Life Fellowship led the prayer.

MINUTES:

JP Tharp made motion to approve the Minutes of the regular meeting of April 27, 2006 as distributed, seconded by JP Harrison. Motion to approve the minutes carried by voice vote.

COUNTY JUDGE'S REPORT:

County Judge Gary Black announced the reappointment of Wayne Brashears to the 9-1-1 Administration Board for a 5-year term. Appointment confirmed by unanimous voice vote. Judge Black announced that JP Bob Tharp is resigning as chair of the Environmental Committee, and JP James Wozniak has agreed to fill the position. JP Tharp stated that he has enjoyed serving as chair, and will continue to serve as a committee member.

ELECTED OFFICIALS REPORT:

None

COMMITTEE REPORTS:

JP Moore reported that the Long Range Planning/Properties and Equipment committee met on May 24, 2006, and voted unanimously to recommend Option #2 proposed by Garver Engineering for the rehabilitation of War Eagle Bridge to the Committee of Thirteen. He said that they also heard a report from Assistant County Administrator Travis Harp concerning the buy back of 11 road graders purchased in 2001, and from Maintenance Manager Mike McGinnis concerning a fire alarm system for the County Courthouse.

JP Tharp reported that the Environmental Committee had met on May 24, 2006 and discussed a proposed land sale septic system ordinance, and received 3 drafts of a proposed Environmental Hazard ordinance to review and discuss at the next meeting.

PUBLIC COMMENTS:

Don Day stated that he wished to salute all of the Quorum Court members because not many people would subject themselves to the stress, and he admired their courage for putting their names on the ballot. He also thanked JP Tharp for allowing public comments following discussion at the Environmental Committee meeting, and stated that he had done a fine job of chairing the committee. He added that he agreed with the rejection of the proposed Watershed Ordinance by the Planning Board and Environmental Committee.

OLD BUSINESS:

- (A) Second Reading of Proposed Ordinance to Establish Map and Other Media Fees for Benton County; Sponsor: JP Tim Summers

JP Summers made motion to read by title only, seconded by JP Sheridan. Motion passed by unanimous voice vote. Deputy Clerk Betsy Deaton read the proposed Ordinance by title only. JP Summers made motion for approval, seconded by JP Sheridan.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Adams, Allen, Harrison, Hill, Moore, Schindler, Sheridan, Stephenson,
Summers, Tharp, Wolf, Wozniak
1 absent: Sampier

Second reading passed.

NEW BUSINESS:

- (A) Proposed Resolution Urging the Arkansas General Assembly to Authorize and Fund an Additional Circuit Judge Position for the 19th Judicial District – West; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Summers made motion for approval, seconded by JP Stephenson. JP Summers asked that Judge John Scott be recognized in order to explain the request. Judge Scott stated that the Resolution is the first step of a two-step process, and will show that the Quorum Court has agreed to provide office space and support staff. He said the legislature will then have to agree to fund the salaries for the judge, the trial assistant, and the court reporter. He stated that they have seen a 56% increase in their caseloads since they first started with 5 judges, and the sixth judge would start in January of 2009, which

will give them 2½ years to plan for the addition. JP Summers asked if there are other counties whose requests will be ahead of ours. Judge Scott stated that there are several judicial districts that have previously requested additional judges, and those requests have been declined. He said that each request stands on its own and is not affected by other requests, and he expects those districts will be making their requests again. JP Wolf asked what the differences are between those districts and the 19th District as far as the increase in caseloads. Judge Scott stated that one of the districts is in Northeast Arkansas, and consists of 10 circuit judges who circulate among 8 courtrooms spread across 6 counties. He said that another district consisting of several rural counties has also made a previous request. He said at present, 19 West does not have the largest caseload, but it is only a matter of time before we catch up. He said that the wait for a court date has increased from 6 months to a year and some courts are now scheduling cases for 2008. JP Stephenson asked if the fact that the legislature has turned down the other requests has any bearing on our request. Judge Scott stated that it did not. JP Schindler asked why the legislature had turned down the requests. Judge Scott stated that it was a matter of money. JP Sheridan stated that he will support the Resolution.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Adams, Allen, Harrison, Hill, Moore, Schindler, Sheridan, Stephenson,
Summers, Tharp, Wolf, Wozniak
1 absent: Sampier

Resolution duly adopted and assigned **No. R-2006-10**

(B) Proposed Resolution Authorizing the County Judge to Apply for a Certified Local Government Grant in the Amount of Up to \$4,000 for Historic District Commissioner Training From the Arkansas Historic Preservation Program;
Sponsor: JP Burt Schindler

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Schindler made motion for approval, seconded by JP Sheridan. JP Schindler stated that this has been through the Long Range Planning Committee, and the Committee of Thirteen, and two members of the Historical Commission have committed to attend the training if the grant money is awarded.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Adams, Allen, Harrison, Hill, Moore, Schindler, Sheridan, Stephenson,
Summers, Tharp, Wolf, Wozniak
1 absent: Sampier

Resolution duly adopted and assigned **No. R-2006-11**

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2005-36 (2006 Benton County Budget) to Create a New Fund to be Named “City of Highfill Grant Fund” and Numbered No. 766 in Department 01, to Amend *Schedule 1- Revenues by Fund* to Increase Revenues, and to Appropriate Additional Monies and Authorize Additional Expenditures Therein; Sponsor: JP Tim Summers

JP Summers made motion to read by title only, seconded by JP Hill. Deputy Clerk Betsy Deaton read the proposed Appropriation Ordinance by title only. JP Summers made motion for approval, seconded by JP Tharp. JP Summers stated that this is a pass through ordinance that will not involve any county funds.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Adams, Allen, Harrison, Hill, Moore, Schindler, Sheridan, Stephenson,
Summers, Tharp, Wolf, Wozniak
1 absent: Sampier

Appropriation Ordinance duly adopted and assigned **No. O-2006-13.**

- (D) Proposed Resolution Authorizing the County Judge of Benton County to Execute a Real Estate Contract for Highway Purposes; Sponsor: JP Kurt Moore

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Moore made motion for approval, seconded by JP Sheridan. JP Moore stated that Highway 102 is finally being widened to 5 lanes, and part of the Sheriff’s Department and Health Department properties are in the right-of-way. JP Adams asked how many feet from the middle of the highway the right-of-way extended. JP Moore recognized Assistant County Administrator Travis Harp, who introduced Sherry Pratt of the Arkansas Highway Department, and said that there are packets available with maps showing the area they are talking about if anyone would like one. He stated that the selling price listed for Tract 47 has been revised from \$43,275 to \$45,100, so the Resolution will need to be amended. He said the right of way is 120 feet, so it will extend 60 feet from the center line, and the area in question is the highway frontage which extends from the east end of the Health Department parking lot, past the Road Department facility and the County Jail, and ends at the west end of the property next to the County Jail. He said the Highway Department is paying for the property within the right of way, and for the expense of moving the Road Department and Sheriff’s Department signs. He added that they will also reconstruct any driveways affected to bring them back to their previous conditions.

JP Stephenson asked what time factor was affecting the proposal. Sherry Pratt stated that the rights of way have to be obtained before the project is advertised, and it has to be advertised 30 days prior to the let date, which is in August. JP Stephenson stated that he had several questions and concerns, one being that it does not seem to make any difference how many times the Justices state that they want information prior to having to make a decision on it. He said he was

aware that Highway 102 was being widened, but had no idea that the right of way purchase price was being negotiated. He said he was concerned with how they arrived at the proposed price. Sherry Pratt stated that all of the Highway Department's offers are based on the fair market value, determined by a staff of appraisers who work for the Highway Department and who base it on recent purchase prices of other property within the project area. JP Stephenson asked how much total acreage is involved. Sherry Pratt listed the square footage of each tract being purchased. JP Stephenson asked if this proposal had been through the Long Range Committee. JP Moore stated that this is the first time it has been brought up. Sherry Pratt stated that an offer packet which contained the appraisal and the right of way plans was sent to the County Judge's office on May 2, and she just received the revision for Tract 47 today and brought it with her from Little Rock. JP Tharp asked the total acreage being acquired, and the price per acre. JP Allen stated that if different parcels and sizes are involved, the price per acre would not be a factor, and that you have to look at each parcel separately and consider the usability of each. JP Summers stated that he wanted to encourage the Highway Department to get started as quickly as possible due to the traffic problems in the area, and that he was totally in support of the Resolution. JP Tharp stated that he was in favor of widening the highway, but still had not heard a price per acre. It was determined that the Highway Department is paying \$79,025 for .71 acres, making the purchase price approximately \$100,000 per acre. JP Allen stated that he supported the Resolution, but noted that he would like to have had the information in advance. JP Tharp stated that he believed that land at the corner of Highway 71 and 102 sold for a lot more than this price, but he would vote for the Resolution. JP Moore made motion to amend the Resolution to change the sale price of Tract 47 from \$43,275 to \$45,100, seconded by JP Sheridan.

There being no further discussion, a roll call vote on amending the Resolutions was recorded as follows:

12 yeas: Adams, Allen, Harrison, Hill, Moore, Schindler, Sheridan, Stephenson,
Summers, Tharp, Wolf, Wozniak
1 absent: Sampier

Motion to amend passed.

JP Moore made motion for approval of the Resolution as amended, seconded by JP Stephenson.

There being no discussion, a roll call vote was recorded as follows:

12 yeas: Adams, Allen, Harrison, Hill, Moore, Schindler, Sheridan, Stephenson,
Summers, Tharp, Wolf, Wozniak
1 absent: Sampier

Resolution duly adopted and assigned **No. R-2006-13.**

OTHER BUSINESS:

JP Sheridan stated that he had distributed a detailed report of the Arkansas Association of Quorum Courts Continuing Education meeting that he attended on May 20, 2006 in Little Rock. He encouraged the Court to read the report from Mike Rainwater concerning several legal issues relating to county government.

ANNOUNCEMENTS:

JP Moore announced that the Long Range Planning/Properties and Equipment Committee would be meeting on June 8, 2006 at 5:30 p.m.

JP Wozniak stated that the Environmental Committee would be meeting on June 20, 2006 at 5:00 p.m.

JP Summers announced that the Finance Committee would be meeting on June 6, 2006 at 2:30 p.m., and the Committee of Thirteen would be meeting on June 13, 2006 at 5:00 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Mary L. Slinkard,
County Clerk

Prepared by: Betsy Deaton